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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/203,965 | 12/02/1998 | GENE W. LEE | DAVOX-159XX | 4873 |

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| EXAMINER | |
|---|---|
| DEANE JR, WILLIAM J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2642 | |

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/203,965 | LEE, GENE W. | |
| | Examiner | Art Unit | |
| | William J. Deane | 2642 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *31 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2,4-7,9-15 and 17-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,9-15 and 17-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 2, 4 – 7, 9 – 15 and 17 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,278,898 (Cambray et al.) in view of U.S. Patent No. 6,330,326 (Whitt) and U.S. Patent No. 6,173,052 (Brady)

With respect to claims 7,15 and 21 – 23, Cambray et al teach a hold queue prioritizing system, comprising; an automatic telephone system (Col. 1, lines 43 - 44), a call receiver/director (12), a customer database (Col. 2, line 57), a means for obtaining identifying information (note call ID and indicia of Fig 1), at least one hold queue (18) connected to call receiver/director (12) (see Fig. 1), a plurality of call agent terminals (16) coupled to the automated phone system (Fig. 1) and a hold queue prioritizer/call retriever (26).

Therefore, Cambray et al. teach the claimed device except for a means responsive to obtained caller identifying information, for searching a customer database to identify customer data records corresponding to the caller identifying information for each of said plurality of connected calls, and retrieving a call prioritizing information from each of the customer databases. In addition, Cambray et al. does not teach displaying a list of call records and identifying information in a call queue, and thereby allowing an agent to manually select a call from the call list.

First, Whitt teaches such limitations (see Col. 4, lines 49 – 52). It would have been obvious to have incorporated such limitations as taught by Whitt into the Cambray et al. device as such would only entail the substitution of one prioritizing indicia for another. Note that the call history of the current caller is used to predicting how long the current caller will wait.

Second, Brady teaches displaying a list of call records and identifying information in a call queue, and thereby allowing an agent to manually select a call from the call list. See Abstract, Col. 1, line 55 – Col. 2, line 60. It would have been obvious to one of ordinary skill to have incorporated such a means for displaying a list of call records and identifying information in a call queue, and thereby allowing an agent to manually select a call from the call list, as taught by Brady into the Cambray et al./Whitt device in order to make the call center more efficient.

With respect to claims 9 and 18, note raw customer information retrieved (note Col. 3, lines 8 – 11 of Cambray et al.).

With respect to claim 10, note call priority score (Claim 2 of Cambray et al.).

With respect to claims 11 and 19, note absolute priority (FIFO, Col. 2, lines 11 – 16 of Cambray et al.).

With respect to claim 12, note Col. 2, lines 5 - 8 and Col. 5, lines 15 - 31.

With respect to claim 13, Cambray et al does not teach ANI but does teach Call ID. Note the use of ANI (among others) by Whitt (Col. 4, lines 39 – 45). It would have been obvious to one of ordinary skill in the art to have incorporated such use of ANI as

taught by Whitt into the Cambray et al. device as such would only entail the substitution of one well known identification means for another.

With respect to claim 14, note Col. 2, line 60 of Cambray et al.

With respect to claim 17, note Col. 2, line 65 - Col. 3, line 4 of Cambray et al.

With respect to claims 1 – 6 and 20, such method claims would be inherent from the discussion above.

***Response to Arguments***

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

11Jul05

WILLIAM J. DEANE, JR.
PRIMARY EXAMINER